

**From:** [Szelag.Matthew@epamail.epa.gov](mailto:Szelag.Matthew@epamail.epa.gov)  
**To:** [Asher, Chance \(ECY\)](#)  
**Subject:** RE: Freshwater Standards- need your help!  
**Date:** Friday, December 02, 2011 4:44:32 PM

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Hi Chance,

Thanks for the clarification. I am available until 4pm on December 8 to talk to you and Martha, if that works for you.

Regarding the question on ESA consultation, Jeff Lockwood's description is accurate. Any provisions that will come to EPA for action as water quality standards that have an potential to affect listed or endangered species will need to go through ESA consultation. Recall the 1999 letter that you, I and Dave Bradley have discussed which contains EPA's view on what is/isn't a water quality standard in the SMS. This is probably a good guide for anything that will need EPA action and therefore ESA consultation (if it involves aquatic life).

Please let me know what time on the 8th will work for you. Thanks,

Matthew Szelag  
US EPA Region 10  
1200 Sixth Ave, Suite 900  
Seattle, WA 98101  
Phone: 206-553-5171

 "Asher, Chance (ECY)" ---12/02/2011 10:41:57 AM---Matt, I'll be your contact for the SMS rule and any EPA approval/ESA consultation needs. At some po

From: "Asher, Chance (ECY)" <CASH461@ECY.WA.GOV>  
To: Matthew Szelag/R10/USEPA/US@EPA  
Date: 12/02/2011 10:41 AM  
Subject: RE: Freshwater Standards- need your help!

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Matt,

I'll be your contact for the SMS rule and any EPA approval/ESA consultation needs. At some point in the near future, I'd like to have a touch bases meeting with you (over the phone is fine) to get us both oriented about what our needs are and next steps. It happens that Martha and I will be in Seattle on Dec 8. Would you have any time in the afternoon to have a quick discussion?

-----Original Message-----

From: Inouye, Laura (ECY)  
Sent: Friday, December 02, 2011 9:12 AM  
To: Niemi, Cheryl (ECY); Szelag.Matthew@epamail.epa.gov  
Cc: Hankins, Martha (ECY); Asher, Chance (ECY)  
Subject: RE: Freshwater Standards- need your help!

I sent out the original inquiry based on a request from Chance Asher, for support of the Freshwater Sediment Standards that are being promulgated.

Laura

-----Original Message-----

From: Niemi, Cheryl (ECY)  
Sent: Friday, December 02, 2011 9:04 AM  
To: Szelag.Matthew@epamail.epa.gov  
Cc: Hankins, Martha (ECY); Inouye, Laura (ECY)  
Subject: RE: Freshwater Standards- need your help!

Hi Matt,

I believe this is about the sediment standards rule-making (including the FCR project), which we have talked about before. Laura may be referring to areas of focus in that rule-making that address bioaccumulation that could affect organisms, as well as sediment standards to protect aquatic life.

You should talk with Martha Hankins, who is leading the rule-making effort on this issue. Martha and I recently talked about this topic, and about her contacting you, and I am sure she would like to touch base. Here is Martha's contact information:

Martha Hankins  
360-407-6864  
Martha.hankins@ecy.wa.gov

Hope this helps.

Cheryl

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Cheryl A. Niemi  
Surface Water Quality Standards Specialist  
Department of Ecology  
P.O. Box 47600  
Olympia WA 98504  
360.407.6440  
cheryl.niemi@ecy.wa.gov

-----Original Message-----

From: Szelag.Matthew@epamail.epa.gov [<mailto:Szelag.Matthew@epamail.epa.gov>]  
Sent: Thursday, December 01, 2011 3:38 PM  
To: Niemi, Cheryl (ECY)  
Subject: Fw: Freshwater Standards- need your help!

Hi Cheryl,  
Do you know if this email is referring to the ongoing contaminated sediment work/FCR project or is this something separate?

Matthew Szelag  
US EPA Region 10  
1200 Sixth Ave, Suite 900  
Seattle, WA 98101  
Phone: 206-553-5171

----- Forwarded by Matthew Szelag/R10/USEPA/US on 12/01/2011 03:35 PM -----

From: Jonathan Freedman/R10/USEPA/US  
To: "Jeffrey.Lockwood" <Jeffrey.Lockwood@noaa.gov>  
Cc: "Jeremy\_Buck@fws.gov" <Jeremy\_Buck@fws.gov>, John Palmer/R10/USEPA/US@EPA, "Inouye, Laura (ECY)" <Lino461@ECY.WA.GOV>, Thomas Hooper <Thomas.Hooper@noaa.gov>, Matthew Szelag/R10/USEPA/US@EPA, "Braun, Eric NWD" <Eric.P.Braun@usace.army.mil>  
Date: 12/01/2011 03:15 PM  
Subject: Re: Freshwater Standards- need your help!

Everyone: Matt Szelag is the Washington state WQ standards coordinator. He may consult with John Palmer on ESA related questions. I've copied him. His number is (206) 553-5171.

Jonathan Freedman (206) 553-0266  
USEPA, Region 10  
Sediment Management Program  
1200 Sixth Avenue, Suite 900  
ETPA - 083  
Seattle WA 98101  
freedman.jonathan@epa.gov  
FAX: (206) 553-1775

From: "Jeffrey.Lockwood" <Jeffrey.Lockwood@noaa.gov>  
To: "Inouye, Laura (ECY)" <Lino461@ECY.WA.GOV>  
Cc: Jonathan Freedman/R10/USEPA/US@EPA, "Jeremy\_Buck@fws.gov" <Jeremy\_Buck@fws.gov>, Thomas Hooper <Thomas.Hooper@noaa.gov>, John Palmer/R10/USEPA/US@EPA  
Date: 12/01/2011 01:49 PM  
Subject: Re: Freshwater Standards- need your help!

Laura,

If Ecology needs approval from USEPA for promulgating the state standard, then USEPA will need to decide whether they need to consult with NMFS and USFWS. Ecology doesn't need to approach us directly. If there is no EPA approval required, then we would be headed more toward an optional habitat conservation plan or other non-federal mechanism for ESA coverage for Ecology. I'm copying John Palmer who can help answer your question or get you to the right person at EPA.

Jeff

On 11/30/2011 5:21 PM, Inouye, Laura (ECY) wrote:  
Hi guys-

Ecology is getting to the point where we would like to start coordinating with the appropriate agency people regarding ESA

consult/review for the freshwater sediment standards we are trying to promulgate. I know you are not the people who would be doing this, but Ecology needs to know if a formal consult will be required, or a review is sufficient, and who the appropriate people for actually coordinating with would be. I'm hoping you can assist me in getting in touch with the correct people. Can you please point me in the correct direction?

THANKS!!

Laura[attachment "Jeffrey\_Lockwood.vcf" deleted by Jonathan Freedman/R10/USEPA/US]